CHAPTER 1243

Subdivision Procedure for Submission of Plans, Approval Action, and Recordation of Plats

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CROSS REFERENCES

Plats - see Code of Va. §§ 15.2-2258 et seq.

Recordation - see Code of Va. §§ 15.2-2264, 15.2-2265

Subdivision roll-back taxes - see B.R. & T. 848.055

Naming of streets - see S.U. & P.S. Ch. 1020

Street signs in planned developments and subdivisions - see S.U. & P.S. 1021.07

Addressing of premises - see S.U. & P.S. Ch. 1026

Vacation of plats and easements - see P. & Z. 1241.08

1243.01 APPLICABILITY.

Any subdivider of any tract of land in the County shall submit a plat of such subdivision. (Ord. 00-04. Passed 4-29-00.)

1243.02 CONDOMINIUM DEVELOPMENT.

For applicability of regulations, reference Section 1241.07 of these Subdivision Regulations. (Ord. 00-04. Passed 4-29-00.)

1243.03 BOUNDARY LINE ADJUSTMENT.

Notwithstanding the provisions of Sections 1243.04 through 1243.13, inclusive, of this Ordinance, when the boundary lines of any legal lot or parcel of record are proposed to be relocated, vacated or otherwise altered without creation of any additional lot or parcel, the following provisions shall apply:

(1) The Director shall waive the requirements of this Ordinance and the Facilities Standards Manual and approve such boundary line adjustment (BLA) as evidenced by his signature on a plat thereof so long as the following conditions have been met:

- (a) Such BLA shall not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas; and no easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.
- (b) Such BLA shall be clearly depicted upon an otherwise valid plat of boundary line adjustment which shall be executed, acknowledged and recorded by the owner or owners of such land as provided in Section 15.2-2264 of the Virginia Code.
- (c) Such BLA shall not result in any new violation of the area or other dimensional requirements of the Zoning Ordinance, provided, however, that any existing violation of minimum yard requirements or any existing non-conformity in any non-conforming lot (as defined in the Zoning Ordinance) shall be permitted to continue so long as such yard violation or non-conformity is not enlarged, expanded or extended.
- (d) With respect to each lot or parcel resulting from any such BLA, the applicant shall satisfy one of the following two requirements:
- 1. Submit appropriate documentation to demonstrate in accordance with Chapter 1245 of this Ordinance, that such parcel has an approved source of water and the capability of providing sanitary sewage service; or
- 2. Place a conspicuous note upon the plat, in substantially the following form:

The Loudoun County Health Department has not approved this lot for water supply or sewage disposal. A certification from the Health Department that such lots meet the requirements concerning water supply, sewage disposal and well testing shall be required prior to any new construction in accordance with the provisions of the Loudoun County Zoning Ordinance. This boundary line adjustment shall not result in any off-site subsurface disposal field (e.g., drainfield) in violation of Section 1066.12(b) of the Loudoun County Codified Ordinances.

- (e) Unless the titles to all parcels affected by the BLA are vested identically in the same person or entity or the same combination of persons and/or entities, a Deed shall be filed with the plat which makes clear that no additional lot or parcel shall be created by the BLA.
- B. For the purposes of the Zoning and Subdivision Ordinances of Loudoun County, the lots or parcels resulting from any such boundary line adjustment approved hereunder shall be considered as coming into existence as of the date of recordation in the Office of the Clerk of the Circuit Court of Loudoun County, Virginia, of the boundary line adjustment plat.
- C. The Director shall take action to approve or deny any boundary line adjustment plat filed hereunder within twenty (20) business days (excluding time that elapses awaiting applicant's response to County staff comments and requirements) after such plat has been officially submitted.
- D. Any boundary line adjustment plat approved hereunder shall be recorded by the applicant in the Office of the Clerk of the Circuit Court of Loudoun County, Virginia, within six (6) months of the date of final approval, or it is void. (Ord. 00-04. Passed 4-29-00.)

1243.04 FAMILY SUBDIVISIONS.

A. Permitted Divisions. A single division of a lot or parcel into no more than six (6) additional lots for the purpose of sale or as a gift of each of said lots to a member of the immediate family of

the property owner is permitted subject to the provisions of the Code of Virginia, 1950, as amended, and the requirements of this Section 1243.04. No person who has previously received a conveyance of land as a grantee under Section 15.2-2244, Section 15.1-466(A)(12) or (13) or Section 15.1-466(G) or any predecessor Section of the Code of Virginia, 1950, or any local ordinance enacted pursuant thereto shall be eligible to be a grantee of a lot or parcel created pursuant hereto. Any such division shall not be for the purpose of circumventing this chapter or other chapters of the Loudoun County Code. For the purpose of this section, "a member of the immediate family" is defined as any natural person who is a natural or legally defined child, stepchild, grandchild, spouse, brother, sister or parent of the property owner, and "property owner" is defined as the natural person(s) (a) who is the sole owner of the property; or (b) who is the:

- (a) Sole owner of all stock or other documents of ownership of the corporation, or
- (b) Sole partner of the general partnership, or
- (c) Sole managing partner of the limited partnership, or
- (d) Sole member of the limited liability company, or
- (e) Sole trustee and sole beneficiary, with sole possession of any right of revocation, of the trust, that is the sole owner of the property.

Such conveyance to a member of the immediate family may be made to such member and his or her spouse if title is conveyed to them as tenants by the entirety.

- B. Approval by Director; Requirements. The Director shall have all authority to approve such subdivision as evidenced by his signature on the plat, provided the following requirements are met:
- (a) All applicable requirements of the Zoning Ordinance shall be met.
- (b) The proposed lot shall conform to applicable design standards set forth in this Ordinance and the Facilities Standards Manual and to the applicable Development Standards set forth in Chapter 1245 of this Ordinance, provided, however, that the requirements of Sections 1245.08 and 1245.11 to extend public water to all lots or to provide an approved location on each lot for a well shall be waived if the plat contains a conspicuously placed note substantially similar to either of the following:
- 1. "Note: The lots on this plat have NOT been tested or approved for wells and there is no guarantee that an approvable well can be located on any lot. No zoning permit or building permit will be issued for any lot until a well has been approved for such lot by the Health Director."

or

2. "Note: The lots on this plat are required to be served by public water. However, such service has NOT been extended to such lots. No zoning permit or building permit will be issued for any lot until public water has been extended to such lot in accordance with the regulations and specifications of the Facilities Standards Manual and the Loudoun County Sanitation Authority or other applicable Federal, State or local agency. The owner of each lot on this plat shall grant, without compensation, such reasonable easements as are necessary to permit such extension of public water to all lots."

If the public water note is required on the plat, then the deeds of conveyance, or a separate deed of subdivision, must create and establish appropriate easements to permit the future extension of public water to all lots.

The Director shall determine which of the foregoing notes shall be required. If note 2. is chosen, the deed or deeds which subdivide or convey the lots shall create and establish appropriate easements to permit the future extension of public water to all lots.

(c) The plat shall be drawn with all plan and plat detail requirements of this Ordinance

and the Facilities Standards Manual.

- (d) The property owner requesting such subdivision shall have held fee simple title to the property to be subdivided for a period of more than one year prior to the filing of the family subdivision application with the County.
- (e) A fee is paid pursuant to Section 1242.13 of this Ordinance.

C. Enforcement Provisions:

- (a) The approved family subdivision plat and deed or deeds of sale or gift filed as part of the family subdivision application and approved in conjunction with the plat shall be recorded within six (6) months after the date of approval of the plat by the Director. Such approval shall automatically terminate with respect to any such family subdivision plat if such approved plat and approved deed or deeds of sale or gift have not been recorded within such six (6) months and, thereafter, such plat shall be null and void. A note to this effect must be placed conspicuously upon the family subdivision plat before it may be approved.
- (b) If a family subdivision grantee conveys a lot or parcel received pursuant to an approved family subdivision within one (1) year after the date of approval of the family subdivision plat, such family subdivision grantee shall be presumed to have intended at the time of the approval of the family subdivision to circumvent this chapter or other chapters of the Loudoun County Code. Such conveyance shall entitle the Director to take any reasonable actions necessary to ameliorate the effect of such circumvention, including without limitation recommending to the Board of Supervisors the adoption of an ordinance vacating said subdivision in whole or in part as provided in Section 15.2-2272 of the Code of Virginia. A note to this effect must be placed conspicuously upon the family subdivision plat before it may be approved. This paragraph shall not apply to a conveyance made to secure an obligation nor pursuant to the foreclosure of a lien provided the recordation of such lien against such lot or parcel occurs after the recordation required by paragraph (a) above, nor shall it apply to the lot or parcel retained by the subdivider.
- (c) No zoning permit nor building permit shall be issued for any lot or parcel with respect to which any of the foregoing provisions of this Section 1243.04 has been violated unless and until correction of such violation has been accomplished to the satisfaction of the Director. No zoning permit nor building permit shall be issued for any lot or parcel created pursuant to a family subdivision plat unless evidence of the required recordations has been supplied to the Department.
- (d) Upon satisfactory evidence of a conveyance as described in paragraph (b) above or other action constituting a circumvention or violation of any provision of this Ordinance, the Board of Supervisors may adopt an ordinance vacating in whole or in part any such family subdivision plat in accordance with Section 15.2-2272 of the Code of Virginia.
- D. Intent. It is the intent of this Ordinance that no application for further subdivision of any lot or parcel created and conveyed pursuant hereto shall be filed within one (1) year after the date of approval of the family subdivision plat. (Ord. 00-04. Passed 4-29-00.)

1243.05.1 WAIVER GENERALLY.

(1) Where a single lot or parcel of land is to be subdivided into any two parcels, the Director may waive any and all of the requirements of this Ordinance and the Facilities Standards Manual, and approve the subdivision, as evidenced by his signature on the plat, as long as the following conditions are met:

- (a) All applicable requirements of the Zoning Ordinance shall be met.
- (b) No such lot or parcel created hereunder shall be eligible for further subdivision under this Section 1243.05.1 for a period of one (1) year after approval.
- E. The Director shall not process such subdivision waiver application if any of the following conditions are found to be in existence:
- (a) Conflict with the governing Comprehensive Plan.
- (b) Bond requirements for public improvements requiring Board of Supervisors' action.
- (c) Conflict with an approved concept development plan.
- F. The Director shall state, in writing, within twenty (20) days of official submission of the subdivision application, the reasons for not processing such application. (Ord. 00-04. Passed 4-29-00.)

1243.05.2 LOW DENSITY DEVELOPMENT WAIVER.

- (2) Where a single lot or parcel of land is to be subdivided at an overall density of one unit per twenty-five (25) acres in accordance with Section 5-701 of the Loudoun County Zoning Ordinance, the Director may waive any and all of the requirements of this Ordinance and the Facilities Standards Manual, and approve the subdivision, as evidenced by his signature on the plat, as long as the following conditions are met:
- (a) All applicable requirements of the Zoning Ordinance shall be met.
- (b) The creation of a subdivision in this manner shall not be for the purpose of circumventing this Ordinance or other chapters of the Loudoun County Code.
- (c) The lots created by the waiver will be protected by a permanent open space or conservation easement dedicated in a manner acceptable to the County at the time of resolution.
- G. The Department shall not process a subdivision proposal through the Low Density Development waiver process if any of the following conditions are found to be in existence:
- (a) Conflict with the Comprehensive Plan or area plan.
- (b) Conflict with an approved concept development plan.
- H. The Director shall state his reasons in writing for not processing a subdivision proposal within sixty (60) days of acceptance of the subdivision application. (Ord. 00-04. Passed 4-29-00.)

1243.06 PRELIMINARY PLAT OF SUBDIVISION.

- (1) Preliminary plats or preliminary/record plats shall be submitted for all subdivisions.
- (2) Preliminary plats and supporting data shall comply with the provisions of this Ordinance and the Facilities Standards Manual.
- (3) Blue-line or black-line prints shall be submitted to the Director.
- (4) The Director shall review the preliminary plat within ten (10) working days to determine if it is

in substantial conformance with the application requirements of the Facilities Standards Manual, the Zoning Ordinance and this Ordinance. If in accordance, then the plat is accepted for processing and so noted on the plat. Upon making a determination that all documents are in order, the preliminary plat shall be deemed to be officially submitted.

The date of this determination shall be deemed the filing date for the preliminary plat. If it is not accepted, the reasons shall be submitted, in writing, to the applicant within ten (10) working days. The Director's determination that the plat qualifies to be officially submitted shall not be deemed a determination that the plat meets requirements for approval. (Ord. 00-04. Passed 4-29-00.)

1243.07 STAFF REVIEW.

- (1) Copies of the preliminary plat may be distributed to the following agencies:
- (a) County Boards, Commissions, and Departments.
- (b) State or Federal Boards, Commissions, and Departments.
- (c) Incorporated municipalities within one (1) mile of the proposed subdivision.
- (d) Affected public utilities and franchise cable operators.
- (2) If the Director has determined that there is no need to distribute the preliminary plat to a State agency for its approval, the review by the above-mentioned agencies shall be completed and returned to the Director within thirty (30) days of the date on which the preliminary plat was officially submitted.
- (3) If the Director has determined that the preliminary plat requires approval by a State agency, the review by the above-mentioned agencies shall be completed and returned to the Director within forty-five (45) days of the date on which the preliminary plat was officially submitted.
- (4) The Director shall review the agencies' comments and determine whether revised plats or additional information are required for proper review by the Director. At such time that the Director determines that sufficient response has been received from the agencies, referral responses and County comments will be prepared and sent to the applicant. The applicant shall have the option of revising his application after reviewing the referral responses and County comments. The Director shall determine whether the revision is so substantive as to render the application an amended application, based upon his opinion that additional substantive review of the application as revised is required by one or more agencies. If so, the date on which the amended application was officially submitted for timeline purposes.
- (5) Once an application has been submitted for preliminary plat approval, any preliminary plat filed thereafter for the same property while the initial application is still pending shall be deemed a withdrawal of the initial application provided, however, that this paragraph shall not apply where the subsequently filed plat proposes only a further subdividing of the lots or parcels proposed in the initial application. Any such subsequently filed plat may not be approved until the initial application has been approved or withdrawn.

(Ord. 00-04. Passed 4-29-00.)

1243.08 ACTION ON PRELIMINARY PLAT.

(1) (a) The Director shall act on any proposed preliminary plat and/or plats within ninety (90) days after the date on which the preliminary plat was officially submitted. The Director may delay his action on a preliminary plat or plats beyond such time limits if the applicant has

submitted a written request for a delay. The Director shall act on a preliminary plat or plats by either approving, conditionally approving, or disapproving such plat or plats, in writing, transmitted to the applicant by certified mail and giving with the latter specific reasons therefor. The Director shall approve such preliminary plat provided that the requirements and provisions of this Ordinance, the facilities Standards Manual, and other applicable Ordinances have been met. Approval or conditional approval of a preliminary plat shall constitute approval of the subdivision. Specific reasons for disapproval may be contained in a separate document or may be written on the plat itself and shall relate, in general terms, such modifications or corrections as will permit approval of the plat. The subdivider shall be advised by the Department in writing as to the decision of the Director within five (5) working days after the decision. A disapproval of the plat may be appealed to the Planning Commission in accordance with the provisions of Section 1242.05. Nothing herein shall be interpreted so as to preclude the subdivider from filing a new preliminary plat of subdivision for the same property if no appeal to the Circuit Court is pending.

- (b) If a subdivider objects to any condition imposed by the Director upon the approval of a preliminary plat, such conditional approval may be deemed a disapproval which may be appealed to the Planning Commission in accordance with the provisions of Section 1242.05.
- (2) After approval or conditional approval of a preliminary plat, a record plat application may be officially submitted within two (2) years, hereafter called the initial approval period, after the date of such action. If no record plat is eligible to be officially submitted within such time, approval or conditional approval of the preliminary plat shall become void.
- (3) Extensions of up to one (1) year each, provided that the total of all such extensions shall not exceed an aggregate of three (3) years beyond the initial approval period established in the preceding paragraph, may be granted by the Director, as provided in this paragraph (3), upon the written justification of the subdivider. The procedure for the request, review and grant or denial of an extension of a preliminary plat shall be as follows:
- (a) The subdivider shall submit its written request for extension along with payment of the appropriate fees as established by the Board of Supervisors to the Director at least twenty-one (21) days prior to the end of the initial approval period or current extension period, whichever applies.
- (b) The Director shall review the request and the reasons supplied by the subdivider. The factors considered by the Director shall include the following:
- a. Whether the subdivider has agreed in writing that all future submissions of construction plans and profiles, subdivision plats and site plans for the subject application (hereinafter collectively referred to as plans) shall comply with all applicable provisions of the Zoning Ordinance, the Official Zoning Maps, the Land Subdivision Development Ordinance, and the Facilities Standards Manual in effect as of the date of the granting of such extension (hereinafter collectively referred to as the "Ordinance").
- 2. Whether compliance of the plans with the Ordinance is feasible without rendering the record plat no longer capable of substantial conformance with the approved preliminary plat and the conditions, if any, imposed at the time of such approval.

- (c) The Director shall take action to approve or disapprove such extension request within twenty-one (21) days after submission thereof, provided that no such action shall be required to be taken more than forty-five (45) days prior to the date upon which such preliminary plat would become void. If, within the said twenty-one (21) days and before the Director has taken any such action, the Initial Approval Period or current extension period expires, then the preliminary plat shall become void and the Director shall not be required to take any further action. Disapproval of such extension request shall be in writing by certified mail with return receipt requested stating the specific reasons therefor. The failure or inability of the subdivider to satisfy the requirements of paragraphs (b)1. and (b)2. hereof shall be a sufficient basis for denial of the extension request.
- (d) The subdivider may appeal a disapproval to the Planning Commission by submitting within five (5) working days of receipt of such written disapproval a written notice of appeal to the Director along with payment of the appropriate fee as established by the Board of Supervisors. The Director shall promptly schedule the matter for the next available Planning Commission meeting, allowing a reasonable amount of time for the Director and the subdivider to prepare for such meeting, provided that the matter shall be presented to the Commission for decision prior to the date upon which the preliminary plat would become void. The Planning Commission, whether hearing the request on appeal or upon a direct submission, as provided for in paragraph (a) hereof, shall consider the factors set forth in paragraphs (b)1. and (b)2. hereof. Failure or inability of the subdivider to satisfy the requirements of paragraphs (b)1. and (b)2. hereof shall be a sufficient basis for denial of this extension request.
- (e) In no event shall any extension request be granted which would extend the validity of any preliminary plat to a date more than five (5) years after the date of the original approval or conditional approval of said plan.
- (4) If a subdivider has (a) obtained approval of a preliminary plat of a proposed subdivision and (b) submitted within two (2) years of preliminary plat approval, or any extended period as approved by the Director under Section 1243.08(3), a record plat meeting the submission requirements of this Ordinance for a portion of the lots shown on the preliminary plat, then the subdivider may submit record plats for remaining portions shown on the approved preliminary plat within five (5) years of the date of recordation of the record plat for the first recorded portion, or within such longer period as the Director may, at the time of preliminary plat approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development which such longer period shall be specifically set forth as a condition of the approval of the preliminary plat, provided, however, that no record plat for any portion of the lots on an approved preliminary plat shall be approved unless such record plat is in conformance with the provisions of the Zoning Ordinance, the Official Zoning Maps, the Land Subdivision and Development Ordinance, and the Facilities Standards Manual in effect at the time it is submitted for approval.

- (5) Once the time limit of approval for a preliminary plat expires, a new submission and payment of all fees are required.
- (6) Approval or conditional approval of the preliminary plat shall not obligate the Director to approve the record plat, unless it is in conformance with the preliminary plat, the Zoning Ordinance, and the standards of this Ordinance and the Facilities Standards Manual, and nothing has come to the attention of the Director subsequent to approval or conditional approval of the preliminary plat which is materially adverse or contrary to the requirements or purpose of these regulations.

 (Ord. 00-04. Passed 4-29-00.)

1243.09 PRELIMINARY/RECORD PLAT.

A preliminary/record plat may be submitted for subdivisions of five (5) lots or less. Such preliminary/record plat shall be designed in accordance with the provisions of this Ordinance and the Facilities Standards Manual and shall contain all required detail as specified for both a preliminary plan of subdivision and a record plat. All documents that are required by this Ordinance and the Facilities Standards Manual for a preliminary plan of subdivision and a record plat shall be submitted.

The review and approval procedure for a preliminary/record plat shall follow that of a record plat, as specified in this Ordinance. (Ord. 00-04. Passed 4-29-00.)

1243.10 CONSTRUCTION PLANS AND PROFILES.

- (1) Subsequent to approval or conditional approval on the preliminary plat and prior to the submission of the record plat, the subdivider shall submit copies of the construction plans and profiles when public improvements are required by this or other applicable County ordinances; provided, however, that, unless the preliminary plat has been submitted in conjunction with a rezoning application pursuant to Section 6-1509 or similar provision of the Zoning Ordinance, the subdivider may submit the construction plans and profiles subsequent to the first submission comments transmitted by the Director to the applicant regarding the preliminary plat. This paragraph shall not apply to construction plans and profiles submitted pursuant to Section 1243.11 Dedication Plats.
- (2) Copies shall be submitted to the Director, who in turn shall distribute them within the Department. The subdivider shall submit a copy of the construction plans and profiles directly to the Loudoun County Sanitation Authority.

 (Ord. 00-04. Passed 4-29-00; Ord. 05-05. Passed 6-16-05.)

1243.11 DEDICATION PLATS.

When the purpose of a plat is to dedicate land for public street purposes only, and such plat does not create any additional lot or lots of record, the subdivider may submit a Dedication Plat to create such public street under the following circumstances and in accordance with the following procedures:

- (1) Such plat shall dedicate for public street purposes:
 - (a) Additional right-of-way for an existing road in the state system; or
 - (b) A street (or streets) identified in the Comprehensive Plan; or
 - (c) A street (or streets) identified in approved proffers or on an approved special exception plat or Concept Development Plan, and
 - (i) Having a projected traffic volume of not less than 4,000 vehicles per day ("VPD"); or
 - (ii) As otherwise approved by the Director.
- (2) Such plat may be submitted subsequent to, or concurrently with, the Construction Plans and Profiles for the street(s) dedicated on the plat.
- (3) Such plat shall comply with all of the requirements of the Facilities Standards Manual for plats except that no preliminary subdivision plat shall be required, provided, however, that any action required by any applicable proffer or special exception condition to have been performed in conjunction with the preliminary plat for such street shall be required in conjunction with such Dedication Plat.

 (Ord. 00-04. Passed 4-29-00; Ord. 05-05. Passed 6-16-05.)

1243.12 RECORD PLAT.

(1) After approval or conditional approval of the preliminary plat, any subdivider who proposes to record a plat of the subdivision approved or conditionally approved on the preliminary plat shall submit paper copies of the record plat to the Director for staff review along with all other documents, as specified in this

Ordinance and the Facilities Standards Manual. The Director may require additional copies of the record plat as necessary at any time during the processing of the application.

(2) (a) Upon receipt of the record plats and all required documents as specified in this Ordinance and the Facilities Standards Manual, the Director shall determine, within five (5) working days, if the record plats and documents comply with all applicable rules and regulations relating to the submission of a record plat application for processing and review.

Except as otherwise expressly provided in this chapter for preliminary/record plats, the Director shall not accept a record plat unless there is a preliminary plat for the same property which has been approved or conditionally approved by the Director and which remains valid pursuant to the limitations of Section 1243.08. Upon acceptance of record plats and documents, the Director shall forward said plats and documents to the affected agencies.

- (b) Upon acceptance of the documents and record plat, the application shall be deemed to be officially submitted, and the date upon which such determination is noted in the official records of the Department shall be deemed the filing date for the record plat.
- (c) If it is not accepted, the reasons for not accepting the record plat for processing shall be indicated in writing, the record plat and documents shall be returned to the subdivider with a full refund of any fees rendered, and no review of the record plat shall be conducted.
- (d) The Director's determination that the record plat qualifies to be officially submitted shall not be deemed a determination that the record plat meets requirements for approval, which approval may only be given by the Director subject to the standards provided in this section after the procedural requirements of this Ordinance for review and responsive comment have been met.
- (e) Once an application has been submitted for record plat approval, any record plat application filed thereafter for the same property while the initial application is still pending shall be deemed withdrawal of the initial application.
- (3) (a) Within sixty (60) days after the filing date of the record plat and plans, and after the submission of copies of the record plat, and the compliance with all other requirements, the Director shall approve such record plats, pursuant to Section 15.2-2259 of the Code of Virginia, such approval to be evidenced by the signature of the Director on the record plat, provided that:
- (1) The record plat is in substantial conformance with the approved preliminary plat, including the character and proposed layout depicted thereon and any and all conditions imposed by the Director upon the approval of the preliminary plat, and is in conformance with the requirements and provisions of this Ordinance and all other applicable County ordinances and laws; and
- (2) A letter is signed by the Director that all construction plans and profiles for all public improvements are designed in accordance with the Facilities Standards Manual.
- (b) If such conditions are not met, the Director shall not approve such record plats. Written reasons for such disapproval shall identify deficiencies in the record plats which cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall generally identify such modifications or corrections as will permit approval of the plat. A disapproval may be appealed in accordance with the provisions of Section 1242.05. Nothing herein shall be interpreted so as to preclude the filing of a new record plat application for the same property if no appeal is pending and if the corresponding preliminary plat remains valid pursuant to the limitations of Section 1243.08.

- (4) The Director shall not release an approved record plat and approval of the record plat shall not be deemed final until all required agreements and surety relating to the record plat have been submitted, approved, and executed in accordance with the Bonding Policy in effect at the time the record plat is approved.
- (5) An approved record plat shall be recorded by the subdivider in the Office of the Clerk of the Circuit Court of Loudoun County within six (6) months of the date of final approval, or it is void.
- (6) Prior to approval of the record plat, the subdivider shall submit a request for assignment of addresses as provided in the Facilities Standards Manual, Chapter 7, as amended.

(Ord. 00-04. Passed 4-29-00.)

1243.13 EXCEPTION PROCEDURES.

- A. Upon application to the Board of Supervisors, a subdivider may request an exception to the substantive regulations contained in the Facilities Standards Manual or in Chapter 1245 of these Subdivision Regulations. The Board of Supervisors may grant such an exception upon evidence presented by the subdivider that an exception is warranted due to an unusual situation or that strict adherence to general requirements would result in substantial injustice or hardship.
- B. No exception shall be granted by the Board of Supervisors that it finds would:
- (a) Be in conflict with the governing Comprehensive Plan;
- (b) Be in conflict with the applicable requirements of the Zoning Ordinance.

Further, no exception granted pursuant to this section shall affect the subdivider's obligation to comply with requirements which are established by separate authority in accordance with State or County law, nor may any exception to Section 1245.14 relating to agreements and surety be granted pursuant to this section.

- C. Applications for exceptions shall be made to the Board of Supervisors prior to submittal of the record plat.
- D. The Board of Supervisors shall give notice of a public hearing to consider an application for an exception. Such notice and hearing shall be done in conformance with Section 15.2-2204 of the Code of Virginia.

In addition, each application shall be posted by the applicant, using a form of placard approved by the Board of Supervisors, at least twenty-one (21) and no more than thirty (30) days prior to the public hearing. Certification of posting shall be provided to the Director prior to the public hearing. Placards shall be affixed to a pole, post, fence or other structure to be clearly visible from each public road abutting the property. If no public roads abut the property, then the placard shall be posted so as to be clearly visible from at least two (2) abutting properties and at access points to said property. Placards shall be weatherproof.

Placards shall contain:

- (a) The time, date and place of the hearing;
- (b) A brief description of the matter being heard; and
- (c) Identification of the land that is the subject of the application, including the tax map number and complete address of the property.

The applicant shall maintain all placards up to the time of the public hearing and shall remove all posted placards no later than fifteen (15) days after the public hearing has been closed. It shall be unlawful for any person to destroy, deface or remove such placard notice. Any person taking such action shall be subject to the penalties set forth in Section 6-503 of the Zoning Ordinance.

E. The Board of Supervisors shall act upon such application within ninety (90) days from the date the application was officially submitted and shall adopt written findings of fact supporting its decision regarding the approval of each request for an exception.

(Ord. 00-04. Passed 4-29-00.)